

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, JUNE 3, 2019**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, June 3, 2019. We have in attendance with us the following city officials: Chief Deputy Auditor, Debbie Bonk, Law Director, Andrea Scassa and Economic Development Director, David Maley. On the wall to the left are agendas if you wish to follow the meeting. Also, if you look at the agenda, under item #5 is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I want remind anyone with cell phones, please turn them down or set them to vibrate.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Jill Creamer, Sarita Cunningham, Mike Gregg, Dave Irwin, Ed Lewis, Linda Litman, and Megan Starrett.

Roll call of 7 present

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. I'd like to make a motion that we excuse Councilman Chovan and Councilman Manson from tonight's meeting.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Roll call.

7 yes to excuse Councilman Chovan and Councilman Manson

COUNCIL PRESIDENT ISTNICK – Thank you. Councilmen Chovan and Manson have been excused.

2. INVOCATION

COUNCILMAN LEWIS

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN LEWIS

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Lewis. Madam Clerk, are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – Yes, they are.

COUNCIL PRESIDENT ISTNICK – Are there any additions or corrections to be made?

COUNCIL CLERK ROLLAND – No, there are not.

COUNCIL PRESIDENT ISTNICK – Then the minutes stand approved as written.

5. **REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA**

6. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 74 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 3110 Massillon Museum Fund, for the year ending December 31, 2019, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is for the Massillon Museum, as stated. We are acting as a pass-through. It is the property taxes that are collected by the City on behalf of the museum, is what we're doing with this. It's a \$225,000 appropriation. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 74 – 2019 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call for suspension.

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 74 – 2019 has passed. Ord. No. 75 – 2019.

ORDINANCE NO. 75 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Capital Improvement Fund, for the year ending December 31, 2019, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is to appropriate the dollars needed for the purchase of an ambulance. We had already approved the purchase; we are just now appropriating the funds. The funds in question are \$173,836. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 75 – 2019 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Roll call for suspension.

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 75 – 2019 has passed. Ord. No. 76 – 2019.

ORDINANCE NO. 76 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1304 Bond Retirement Senior Housing Fund, for the year ending December 31, 2019, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This appropriation is for a total of \$400. There's a transfer that we had also looked at last week which we can discuss at this time, as well. I was able to confirm what I had stated last week and that is that this Senior Housing Fund is related to the Senior High Rise that is across the street from the Museum. We had a lien interest on that property for many years. When that property was purchased, we were able to recoup some of the funds. On that property, we were like second or third on that particular mortgage lien and we took that money and it is sitting and holding with the City and we used those funds to make our annual payments. As many of you may be aware that since it is a government bond, it's not like a loan. We can't just pay it off as soon as we have the money. We still have to make annual payments until 2021, I believe, is when the final payoff will be. In speaking with Ms. Bonk, who is present, the numbers that they used to calculate 2019 were just off slightly and that is why there's a request for the \$400 adjustment. But, we can call her up if anyone has additional discussion that they would like to have this evening.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – I would just have a question on the actual balance that we have in that account and whether it's sufficient to pay the balance of the bond?

COUNCILMAN LEWIS – Ms. Bonk, if you could come forward. I do know that the payout that we received did not reach the total, but, we did get what we could.

DEBBIE BONK – That's correct. Our loan proceeds that we received was \$386,975.60 and at the time the payoff was \$780,000. So, at a short sale and we continued to make those payments and we transferred funds from the General Fund until December 2021 when we do pay it off. So, the balance that you see in the Cash Report now, \$513,475.60, includes the transferred money from the General Fund and the loan payment for June has not taken out of that yet. And once it's taken out, the balance will be the \$386,575.60 which was the loan proceeds.

COUNCILMAN LEWIS – So essentially, from the loan proceeds that we received at the short sale, we recouped a little over half of the owed debt that the City was obligated to.

DEBBIE BONK – Correct.

COUNCILMAN LEWIS – And so the City has been supplementing that to get us through; until for another two years?

DEBBIE BONK – Until December 1, 2021.

COUNCILMAN LEWIS – And again, that's the result of being second or third on the mortgage; I don't recall which one we were. But someone was ahead of us.

DEBBIE BONK – That I'm not sure. I just know what our loan proceeds were and what we received.

COUNCIL PRESIDENT ISTNICK – Are there any questions or concerns?

COUNCILMAN LEWIS – Can you clarify the \$5,000 transfer, since we're on the topic? This is a separate issue from the \$400, but we did not sign it and we need to sign it at some point.

DEBBIE BONK – When the 2019 budget was put together, too much money was put in the principal account line item and it should have been in the interest account line item. So, all we're doing is transferring to align the account so that the specified specifically principal and interest. They were just aligned incorrectly.

COUNCILMAN LEWIS – Thank you. If there are no further questions or discussion, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 76 – 2019 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Roll call for suspension.

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 76 – 2019 has passed.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

United States Postal Service - \$ 55.00 Postage Stamps

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we pay the bills.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call.

7 yes to pay the bills

COUNCIL PRESIDENT ISTNICK – The Clerk will pay the bills and charge them to their proper accounts.

10. REPORTS FROM CITY OFFICIALS

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be next Monday, June 10, 2019 at 6:30 p.m. Was there a meeting before that, Mr. Lewis?

COUNCILMAN LEWIS – Yes. I had requested that Ms. Litman call a meeting for 6:00 p.m.

COUNCILWOMAN LITMAN – Yes.

COUNCILMAN LEWIS – And that would be for the discussion on the next phase of Housing Market Reinvestment Program to try to encourage more young professionals to move into the City. Thank you, Ms. Litman.

COUNCIL PRESIDENT ISTNICK – Thank you.

COUNCILWOMAN LITMAN – Are you suggesting an open forum with the galley?

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCE AND RESOLUTIONS

ORDINANCE NO. 59 – 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 One-Family Residential to O-1 Office, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, Madam President. This is going to be tabled to the 17th for a Public Meeting which will be at 6:00 p.m. I make a motion that will be tabled until June 17, 2019 due to a public meeting at 6:00 p.m.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Roll call.

7 yes to table Ord. No. 59 – 2019 until June 17, 2019

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 59 – 2019 has been tabled until June 17, 2019. Ord. No. 60 – 2019.

ORDINANCE NO. 60 – 2019

BY: HEALTH, WELFARE AND BLDG. REGS. COMMITTEE

AN ORDINANCE amending Section 557.08(a) of CHAPTER 557 – “WEEDS AND TREES” of PART FIVE, GENERAL OFFENSES CODE of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. We’ve had quite a bit of discussion regarding this with Jimmy Johnson coming in and explaining what our process is as far as tagging properties that would have grass that would exceed twelve inches. This ordinance request is to change it from twelve inches to eight inches and that is only to begin the process recognizing that there are several weeks then thereafter that the homeowner or the property owner has the ability to go in and cut the grass before our grass cutting service would engage in doing the cutting themselves and then assessing that cost to the property owner. I’ll ask at this time, is there any questions or concerns regarding that? Mr. Lewis.

COUNCILMAN LEWIS – I just wanted to say that the only phone calls I’ve received on this would be in support of it. So, that was encouraging because that is where I was leaning towards anyways and how I intend to vote this evening. But I did have an opportunity to speak to someone actually just tonight, and he had voiced concerns about if there was someone in hardship, maybe they were in hospitalization or something, and I believe, correct me if I’m wrong, if a citizen receives notice as long as they call into the City, the idea is that the City will work, provide extensions if sufficient efforts are being made and the hardship has been demonstrated. Is that correct

COUNCILWOMAN LITMAN – That was my understanding as well.

COUNCILMAN LEWIS – So, I think as long as there’s that caveat in there, then obviously, I see no objection to this.

COUNCILWOMAN LITMAN – He also mentioned that this is typically complaint driven. So, if there are concerns about the property by residents surrounding it, that’s when the phone calls usually come in. Are there any other questions or concerns? Then I would make a motion that we put this up for third reading and take a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Creamer. Roll call.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 60 – 2019 has passed.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 67 – 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to transfer Parcel No. 614523, a vacant lot located on North Avenue N.W., Massillon, Ohio, from the City of Massillon to the Community Improvement Corporation of Massillon, Ohio, (CIC), and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, Madam President. Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 67 – 2019 has received second reading. Ord. No. 68 – 2019.

ORDINANCE NO. 68 – 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with “Here for You” Child Development Center, located at 101 Tremont Avenue S.E., Massillon, Ohio, to provide an economic development grant to cover cost for property improvements, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, Madam President. Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 68 – 2019 has received second reading. Ord. No. 69 – 2019.

ORDINANCE NO. 69 – 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with JD Real Estate, located at 215 Erie Street N., Massillon, Ohio, to provide an economic development grant to cover the costs of replacing the sidewalk, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, Madam President. As Jeff Doll was here a couple of weeks ago and explained what he’d been doing and what he’s been doing and believing in the future of the City. I’m going to waive the rule for three readings on Ord. No. 69 – 2019 unless there are any questions or concerns.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I’m just curious as to why one is getting waived and the other one is not.

COUNCILWOMAN CUNNINGHAM – Mr. Maley, would you like to answer that?

DAVE MALEY – Yes. I was going to present some additional information with regards to the other grant at our next Work Session.

COUNCILMAN LEWIS – Alright and then I guess why we'll have you up here, this is more of a clarification for me. On Ord. No. 72 and Ord. No. 73, which are a couple of ordinances away, No. 73 is the one that goes along side with this one, because I'm going to have to pass that in a minute and I want to make sure we pass the correct one.

DAVID MALEY – I don't have the ordinances here in front of me.

COUNCILMAN LEWIS – They have the same title, so, you can't tell by based off the title which is something else we should probably look at at some point.

DAVID MALEY – Yeah, because they're identical.

COUNCILMAN LEWIS – They're identical and it does not let us know if someone was to look at these ordinances, what is connected to what.

DAVID MALEY – I would guess that it's No. 73, but that would be a guess.

COUNCILMAN LEWIS – Okay, thank you. That is all.

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – As I stated, I'd like to waive the rule for the three readings and bring Ord. No. 69 – 2019 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Roll call for suspension.

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 69 – 2019 has passed. Ord. No. 71 – 2019.

ORDINANCE NO. 71 – 2019

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

AN ORDINANCE to accept the dedication of road right of way and easements for Westbrook Estates, Phase 5A subdivision, Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 71 – 2019 has received second reading. Ord. No. 72 – 2019.

ORDINANCE NO. 72 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2019, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 72 – 2019 has received second reading. Ord. No. 73 – 2019.

ORDINANCE NO. 73 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2019, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – As already discussed, Ord. No. 73 is tied to Ord. No. 69, however, I would make a note at this time that I believe we should, when it comes to the Economic Development grants, we need to figure out a way in the title to include the name of the recipient. Not only for situations like this, but also for historical record. If someone is trying to look or make a public record request, I can imagine that it is a nightmare if all the titles say the same thing. So, we need to clean that up and make it clear so that we are being fully transparent. Right now, I don't if it's the appropriate time to dig that out, so I'm going to move forward. But moving forward, we need to make that clear. With that said, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 73 – 2019 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Roll call for suspension.

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 73 – 2019 has passed.

16. NEW AND MISCELLANEOUS BUSINESS
17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA
18. ADJOURNMENT

COUNCILMAN LEWIS – I move to adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT